

FEB 01 2012

JULIA C. DODLEY, CLERK
BY: 
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ADIB EDDIE RAMEZ MAKDESSI,

Plaintiff,

v.

HAROLD W. CLARKE, et al.,

Defendant(s).

)
) Case No. 7:11CV00262
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) **MEMORANDUM OPINION**
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) By: Glen E. Conrad
) Chief United States District Judge
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Plaintiff Adib Eddie Ramez Makdessi has submitted what he styles as a “MOTION TO ORDER MEDICAL ATTENTION.” Makdessi states that he needs pain medication and a “cortison” shot for his shoulder pain and an MRI related to a head injury, all conditions that he suffered in the assault incident that is the subject of this civil action. Medical officials have informed Makdessi that he will incur charges against his inmate account for the needed medical care. Makdessi believes that he should not have to pay for such care, because the injuries resulted from prison officials’ alleged failure to protect him against assault by his cell mate. Makdessi seeks a court order directing prison medical officials to provide the treatment he needs without charging any of the costs of such treatment to Makdessi. The court will construe Makdessi’s motion as a request for a temporary restraining order. After consideration of the record, the court denies the motion.

In this civil action, Makdessi sues several correctional officers for money damages under 42 U.S.C. § 1983, for their alleged failure to protect him against an assault by his cell mate, in violation of his Eighth Amendment rights. The § 1983 complaint does not name any medical

staff member as a defendant or raise any claim concerning Makdessi's medical care provided to him after the incident.

Makdessi's request for injunctive relief to prevent medical charges is not related to the claims in the underlying civil action. Therefore, no temporary restraining order will issue. See Omega World Travel v. TWA, 111 F.3d 14, 16 (4th Cir. 1997); In re Microsoft Antitrust Litig., 333 F.3d 517, 526 (4th Cir. 2003). An appropriate order will enter this day.

The clerk will send a copy of this order to Makdessi and to counsel of record for the defendants.

ENTER: This 1st day of February, 2012.



Chief United States District Judge